

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,	)	4:10CR3077
	)	
Plaintiff,	)	MEMORANDUM AND ORDER ON
	)	MOTION TO COMPEL COUNSEL
v.	)	DENISE E. FROST, TO PROVIDE
	)	PETITIONER WITH ALL REQUIRED
DAVID PAUL GORE III,	)	DOCUMENTS OF HIS PROCEEDINGS IN
	)	ORDER TO PREPARE HIS 28 U.S.C. §
Defendant.	)	2255 MOTION
	)	

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The above-titled motion has been filed in this court although it appears that Denise E. Frost, from whom “records and or transcripts,” are requested to be made available to David Paul Gore III for the purpose of filing a 2255 motion, has not been given notice of that motion. I shall proceed under Rule 6 of Rules Governing Section 2255 Proceedings for the United States District Court, which provides:

**Leave of Court required.**

- (a) A judge may, for good cause, authorize a party to conduct discovery under the Federal Rules of Criminal Procedure or Civil Procedure, or in accordance with the practices and principles of law. If necessary for effective discovery, the judge must appoint an attorney for a moving party who qualifies to have counsel appointed under 18 U.S.C. § 3006A.

**Requesting Discovery.**

- (b) A party requesting discovery must provide reasons for the request. The request must also include any proposed interrogatories and requests for admission, and must specify any requested documents.

The statement of the petitioner that the reason for the request is “so Petitioner may file a meritorious 2255 motion thats (sic) supported by the record” shows good cause and is supportable with the practices and principles of law.

The requirement that the request “must specify any requested documents” has been attempted by a general statement that he wants whatever records or transcripts that will assist him in filing a

§ 2255 motion. The only other attempt at specifying is stated as “all required documents and/or transcripts of Petitioner Pre-Trial and Sentencing Stages . . .”

IT IS ORDERED that:

1. the sending to the United States of America and to Denise E. Frost this Memorandum and Order on Motion to Compel Counsel Denise E. Frost to Provide Petitioner with all Required Documents of his Proceedings in Order to Prepare his 28 U.S.C. § 2255 Motion constitutes service on each of them of the notice to compel;
2. David Paul Gore III is authorized to conduct discovery under the Federal Rules of Criminal Procedure or Civil Procedure or in accordance with the practices and principles of law; and
3. notice of the motion to compel is now being given and Ms. Frost shall be expected to respond to the motion on or before November 30, 2011, by using her good judgment in identifying records that may be helpful to Mr. Gore by sending them to him at the address accompanying the motion to compel and by listing and describing what she will have sent to Mr. Gore, identifying for the court records to the clerk of the court. The copy of the motion to compel is being mailed to Ms. Frost at Johnson and Mock Law Firm, P.O. Box 3157, Omaha, NE 68103-0157.

Dated November 15, 2011.

BY THE COURT

s/ Warren K. Urbom  
United States Senior District Judge